

Attorney Docket No.: SIT-0107
Inventors: Becker et al.
Serial No.: 09/876,238
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REMARKS

Claims 1-14 are pending in the instant application. Claims 1-12 have been rejected. Claims 13 and 14 are allowed. Claims 1-12 have been canceled. No new matter has been added. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Allowed Claims

Applicants are pleased to acknowledge that claims 13 and 14 have been allowed. The Examiner has indicated that the references of prior art on record fail to teach or suggest the combination of limitations as set forth in independent claim 13 and dependent claim 14.

II. Rejection of Claims Under 35 U.S.C. §103

The Examiner has rejected claims 1-5 and further rejected claims 6-11 under 35 U.S.C. §103(a) as being unpatentable over Schoenbach et al. (hereinafter Schoenbach). The Examiner suggests that Schoenbach discloses a fluorescent lamp comprising a sealed light-transmissive tube containing a gas, with first and second spaced-apart electrodes mounted within the tube. The first

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electrode is suggested to comprise a conductor having a plurality of micro hollows (column 2, line 66-column 3, line 4). The lamp is further suggested to include electrical means for coupling electrical energy to the first and second electrodes (Column 3, lines 6-8). The lamp is suggested to have a dielectric layer on the surface of each electrode, with dielectric layer openings aligned with the microhollows (Column 3, lines 23-25). It is suggested that in one embodiment the lamp was described as having a mica spacer 0.2 mm thick and cathode holes 0.7 mm in diameter. The Examiner acknowledges the Schoenbach reference does not disclose the thickness of the electrodes being between 0.05 mm and 0.5 mm. However, it is suggested that having electrodes with the specified thickness is not shown to solve any problems or yield any unexpected results that are not within the scope of Schoenbach's light source. It is further suggested that Schoenbach discloses that the discharge device contains a gas at a prescribed pressure that is typically in a range of about 0.1 torr to atmospheric pressure, which is about 760 torr (Column 5, lines 30-31). It is yet further suggested that the Schoenbach reference discloses that the gas in the discharge chamber is an inert gas such as argon, neon, or xenon (Column 7, lines 50-51). In regard to claims 6-11,

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the Schoenbach reference is suggested to disclose that molecular gases, such as nitrogen, oxygen or air and sulfur or selenium vapors and their mixtures with inert gases maybe used in the flat light source (Column 17, lines 10-12). Schoenbach is further suggested to disclose a discharge device with an electrode having a plurality of microhollows that emit radiation in a wavelength range of about 80 to 200 nanometers (Column 3, lines 26-39). Applicants respectfully disagree.

It is respectfully pointed out that the light source of the present invention is a monochromatic line-emission light source which specifically emits a hydrogen Lyman- α emission line at a wavelength of 121.6 nm and a hydrogen Lyman- β emission line at a wavelength of 102.5 nm. Thus, Applicants respectfully submit that a *prima facie* case of obviousness under 35 U.S.C. 103(a) cannot be made, as Schoenbach provides no reasonable expectation of success. Further Schoenbach does not teach or suggest all of the claim limitations. Schoenbach teaches a broad-band light source which emits radiation in a wavelength range of 80 to 200 nanometers. There is no teaching of emission of the highly desirable single wavelength monochromatic radiation of the present invention.

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MPEP § 2143 and the Courts are quite clear; both the teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The cited combination of prior art fails to provide this reasonable expectation of success. It is only with the instant specification in hand, which demonstrates the efficacy of Applicants' invention that one of skill has a reasonable expectation of success.

However, in an earnest attempt to facilitate prosecution of this case, and in view of the allowable claims 13 and 14, Applicants have canceled claims 1-12. Applicants reserve the right to pursue any or all of the canceled subject matter in a divisional application at a later time.

Withdrawal of this rejection is respectfully requested.

III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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